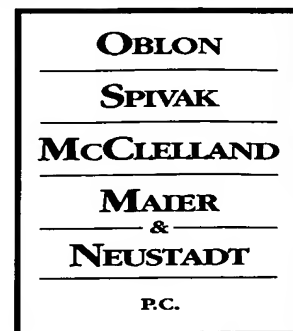


JPV 2682



Docket No.: 219295US2RD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/080,538
Applicants: Takashi WAKUTSU, et al.
Filing Date: February 25, 2002
For: RADIO COMMUNICATION APPARATUS AND
QUALIFICATION METHOD OF THE SAME
Group Art Unit: 2682
Examiner: TRAN, TUAN A.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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DOCKET NO: 219295US2RD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKASHI WAKUTSU, ET AL. : EXAMINER: TRAN, TUAN A.
SERIAL NO: 10/080,538 :
FILED: FEBRUARY 25, 2002 : GROUP ART UNIT: 2682
FOR: RADIO COMMUNICATION :
APPARATUS AND QUALIFICATION
METHOD OF THE SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement dated December 16, 2004, the Applicants provisionally elect with traverse Group I identifying Claims 1-30 as readable on the provisionally elected species.

The Applicants respectfully traverse the election requirement.

MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Application No. 10/080,538
Reply to Office Action of December 16, 2004

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-38 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
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(OSMMN 06/04)

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